

Ackerman, Joyce

From: Ackerman, Joyce
Sent: Tuesday, November 21, 2017 9:07 AM
To: Dave Folkes
Subject: Colorado regulations for asbestos contaminated soils

Hi Dave – EPA received input from CDPHE regarding a relatively new regulation for asbestos contaminated soils. I have attached some information from CDPHE below. EPA will review this regulation as a potential ARAR for the Site, and how it might be implemented for this CERCLA time-critical removal site “to the extent practicable considering the exigencies of the situation” (40 CFR 300.415 (j)).

The Neuhauser Landfill Draft Drum Removal Work Plan (the “Work Plan”) primarily addresses management of the known and potential waste drum and chemically contaminated soil at the Neuhauser Landfill (the “Site”). The first paragraph of Section 4 states that an asbestos contractor will be on call as needed to identify asbestos containing materials for remediation. The Division believes there is a potential of exposing or disturbing debris and/or soil that may contain, or may be contaminated with, asbestos during all surface and subsurface soil disturbing activities planned for the Site. This includes: electromagnetic (EM) geophysical surveys, test pitting, mobilization, construction of access roads, work areas and security fencing, drum and soil removal and work area restoration.

If debris and/or soil containing, or contaminated with asbestos is exposed or disturbed during any drum removal related activity it will trigger the requirements of Section 5.5 of the Colorado Regulations Pertaining to Solid Waste Sites and Facilities (Solid Waste Regulations)(6 Code of Colorado Regulations (CCR) 1007-2, Part 1). The requirements of Section 5.5 of the Solid Waste Regulations are significant and may create project delays if appropriate equipment and trained workers are not readily available if needed. Revise the Work Plan to describe how the various project soil disturbing activities will be observed to ensure that debris and/or soil that may contain, or be contaminated with, asbestos is properly identified. Briefly describe how the requirements of Section 5.5 of the Solid Waste Regulations will be complied with if debris and/or soil containing, or contaminated with asbestos is exposed or disturbed.

In practical terms, all soil disturbing activities at the Site should be observed by one or more Qualified Project Monitor(s) (QPMs) and/or Colorado Certified Asbestos Building Inspector(s) (Colorado CABIs) on an ongoing basis to look for suspect asbestos containing or contaminated soil or debris. The QPMs and CABI(s) must have the authority to stop the soil disturbing work if suspect material is identified. If suspect material is found, the contractor may assume that the material is asbestos and implement the required procedures, or the CABI may sample the material to determine if it is asbestos.

If asbestos is to be disturbed, the contractor conducting the work will notify the Division within 24-hours. To minimize the potential for delays if asbestos is encountered, the contractor performing the should be prepared to implement the Standard Requirements for the Disturbance of Regulated Asbestos-Contaminated Soil (RACS) of Section 5.5.7 of the Colorado Solid Waste Regulations. Alternately, the contractor may prepare, and submit to the Division for review and approval (before or after the start of the project), a Project Specific Management Plan or Standard Operating Procedures in accordance with Sections 5.5.5(A) and 5.5.5(B) of the Colorado Solid Waste Regulations.

We can discuss further. Thanks!

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